

### **REMARKS**

The paper is in response to the Final Office Action. The foregoing amendment cancels claims 1-20 and 24-25, and adds new claims 26-38. Claims 21, 23 and 26-38 are now pending in view of the amendments. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

With particular reference to the claim amendments, Applicants note that while claims 1-20 and 24-25 have been canceled herein, such cancellations have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim cancellations set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Applicants note, finally, that the remarks, or a lack of remarks, advanced by the Applicants in this case are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of

the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

### **Rejection Under 35 U.S.C. §112, ¶1**

The Office Action rejects claims 1-20 and 24-25 under 35 U.S.C. §112, ¶1. Applicants disagree but submit that in view of the cancellation of claims 1-20 and 24-25 herein, the rejection is moot and should be withdrawn.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 1 and 8-10 over US 5,615,034 to Hori ("Hori"). Applicant disagrees that such claims lack novelty but submits that in view of the cancellation of those claims herein, the rejection is moot and should be withdrawn.

### **Rejection under 35 U.S.C §103(a)**

The Office Action rejects claims 2-4, 5, 6, 7, 11 and 24 under 35 U.S.C §103(a) over various combinations of references. Applicant disagrees that such claims are obvious but submits that in view of the cancellation of those claims herein, the rejection is moot and should be withdrawn.

### **Allowed Subject Matter**

The Office Action acknowledges that claims 21 and 23 are directed to allowable subject matter. Applicants thank Examiner for the careful review and allowance of those claims. Applicants agree with Examiner that claims 21 and 23 are patentable, but respectfully disagree with Examiner's statement of reasons for allowance as set forth in the Office Action. Applicants submit that it is the claim as a whole, rather than any particular element, that makes each of the claims allowable. No single element should be construed as the reason for allowance of a claim because it is each of the elements of a claim that makes it allowable. Therefore, Applicants do not concede that the reasons for allowable subject matter given by the Examiner are the only

reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

### **New Dependent Claims 26-28**

By this paper, Applicant has added new dependent claims 26-38. Support for these new claims can be found throughout the application, including at Figure 8, and paragraphs [0066] to [0072]. New claims 26-38 are believed to be in allowable condition at least by virtue of their dependence from claim 21, indicated by the Examiner to be in allowable condition (see Final Office Action at page 5).

### **Charge Authorization**

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

**CONCLUSION**

In view of the foregoing, and consistent with the tentative agreement reached during the Examiner interview, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 3rd day of April, 2009.

Respectfully submitted,

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